

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

VANDERBILT UNIVERSITY,)
)
)
Plaintiff,)
v.) Civil Action No. 3:18-cv-00046
)
)
SCHOLASTIC, INC., HOUGHTON) Chief Judge Waverly D. Crenshaw, Jr.
MIFFLIN HARCOURT PUBLISHING) Magistrate Judge Jeffery S. Frensley
COMPANY, and TED S. HASSELBRING,)
)
)
Defendants.)

VANDERBILT'S MOTION FOR PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), Local Rule 37.01, and Section III.D.4-5 of Your Honor's Practice and Procedure Manual, Vanderbilt University respectfully moves for a Protective Order ruling that certain documents (the "Relevant Documents") located on its information technology ("IT") systems and equipment ("Vanderbilt's systems") are not protected under any applicable privilege. During and after the time Defendant Ted S. Hasselbring was an employee of Vanderbilt, Vanderbilt's IT policies warned Hasselbring that Vanderbilt could monitor and copy his records and electronic transactions and that Hasselbring should not expect that his use of Vanderbilt's systems is private. In the face of those warnings in Vanderbilt's IT policies, Hasselbring used Vanderbilt's systems, and so Vanderbilt now possesses the Relevant Documents. Hasselbring's use of Vanderbilt's systems while aware of Vanderbilt's IT policies waived any privilege otherwise applicable to the Relevant Documents. Therefore, Vanderbilt

respectfully requests that the Court enter an Order ruling that the Relevant Documents are not privileged.

Vanderbilt submits a Memorandum in Support of Its Motion.

Pursuant to Local Rule 7.01(a)(1), counsel for Vanderbilt has conferred with Hasselbring's counsel, and the relief requested in the motion is opposed.

Respectfully submitted,

/s/ Paige W. Mills

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon these individuals, via the Court's CM/ECF e-mail notification system, on this the 8th day of November, 2019:

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